THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.28838 OF 1995

ORAL ORDER:

The respondents 3 to 5 herein filed W.P.No.12941 of 1994 seeking a declaration that the action of the Tahsildar, Narayankhed Mandal, in seeking to evict them from the lands bearing Sy.Nos.31, 32, 27, 28, 29 and 30 of Damarigidda village, Narayankhed taluq, admeasuring Ac.27.21 gts as arbitrary and illegal. They also sought for a declaration that Act II of 1979 amending Section 38-E of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, "the Act") is unconstitutional. The said writ petition was dismissed by this Court by order dated 1.7.1988 following the decision of a Division Bench in W.A.No.1082 of 1982. However, the petitioners therein, (respondents 3 to 5 herein) were granted two months' time to vacate the lands in question.

The petitioner herein, who was impleaded as the respondent No.3 in W.P.No.12941 of 1984, claims to be the protected tenant of the lands in question having been granted a certificate under Section 38-E of the Act. Pursuant to the order of this Court in W.P.No.12941 of 1984, the petitioner made a representation before the Mandal Revenue Officer, Narayankhed taluk (Kangti Mandal) on 18.7.1990 requesting to take possession of the land in question from the respondents 3 to 5 herein and handover the same to him. Since there was no response, the petitioner made a further representation before the District Collector, Medak, on 6.3.1991. In response to the same, the District Collector by memo dated 22.11.1991 informed the petitioner that since there was no

direction as such in W.P.No.12941 of 1984, it is for the petitioner to approach the appropriate forum/Court for redressal of his grievance.

Aggrieved by the said action of the respondents 1 and 2, this writ petition has been filed.

No counter-affidavit has been filed by respondents 1 and 2 and, despite notice, respondents 3 and 5 did not choose to enter any appearance. The notice sent to the 4th respondent has been returned unserved.

I have heard the learned counsel for the petitioner and perused the material on record.

It is to be noted that W.P.No.12941 of 1984 was dismissed holding as under:

> "The matter is now covered by the decision of the Bench in W.A.No.1082 of 1982. Following the decision, the writ petition is dismissed. The petitioner is granted two months time from today to vacate the land. No costs. Advocate fee Rs.350/-."

From the above order, it is clear that there was no direction to the respondents 1 and 2 to put the petitioner in possession. As a matter of fact, there was no adjudication with regard to rights if any acquired by the petitioner herein. In the circumstances, it is for the petitioner to work out appropriate remedy before the appropriate forum for redressal of his grievance.

Hence, the impugned memo dated 22.11.1991, which does not suffer from any infirmity, warrants no interference by this Court.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law for redressal of his grievance. No costs.

10.12.2007.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.28838 OF 1995

10th December, 2007.

Between:

Laxman Rao. .. Petitioner.

And

District Collector, Medak District, at
at Sangareddy and others. .. Respondents.